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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,423	07/27/2001	Wilhard Von Wendorff	J&R-0724	4636

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EXAMINER

MOHAMED, CHARIOUI

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/918,423	WENDORFF, WILHARD VON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Mohamed Charioui	2857	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. **Claim 15-16** are objected to because of the following informalities: in page 38, line 7, delete "or 14". Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6, 12** are rejected under 35 U.S.C. 102(b) as being anticipated by Baba et al.

**As per claims 1 and 2**, Baba et al. teach an electrical system with a plurality of system components carrying out the same or mutually corresponding actions (see col. 1, line 62 to col. 2, line 14), an apparatus for monitoring a proper operation of the plurality of components of the electrical system (see col. 1, lines 1-61); a plurality of dedicated monitoring devices each assigned to a respective one of the system components to be monitored (see col. 1, line 62 to col. 2, line 14), each of the dedicated monitoring devices being operable independently of the respective system component to be monitored (see col. 1, lines 5-14 and col. 1, lines 50-61).

**As per claims 3 and 4**, Baba et al. further teach that said monitoring devices are configured to examine the monitoring data received from the system components and to decide whether the monitoring data meet predefined conditions (see col. 2, lines 14-25).

**As per claims 5 and 6**, Baba et al. further teach that said monitoring devices are configured to check whether the monitoring data received from the system components to be monitored and/or from the monitoring devices associated therewith are in a predetermined ratio or a predetermined relationship (i.e. synchronism) with one another (see col. 1, line 62 to col. 2, line 14).

**As per claim 12**, Baba et al. further teach that the system components to be monitored are program-controlled units (see col. 3, lines 4-29).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7-11** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al. in view of Niggemann et al.

Baba et al. teach the system as stated above except that the monitoring device concludes that the monitoring data from one of the system components do not meet the predefined condition, the relevant system component is made to stop operating.

Niggemann et al. teach this feature (see col. 1, line 65 to col. 2, line 8 and col. 4, lines 14-28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate Niggemann's teaching into Baba's invention, because it would disable the faulty portions of the system and keep the rest of the

system operating; therefore, the system would produce correct signals and the shutting down of the system would be avoided.

**As per claims 9-11**, Baba et al. further teach that the system components to be monitored are constructed and operated to only process a given task when an enable signal is present (see col. 4, lines 12-26).

4. **Claims 13-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Baba et al. in view of Katzman et al. (U.S. Patent NO. 4,672,537)

Baba et al. teach the system as stated above except that the system components to be monitored are a constituent part of various bus units of a bus system.

Katzman et al. teach this feature (see col. 3, line 48 to col. 4, line 2; col. 8, lines 16-33; col. 11, line 58 to col. 12, line 30; and Fig. 1). It would have been obvious to one having ordinary skill in the art at the invention was made to incorporate Katzman's teaching into Baba's invention, because it facilitate data transmission between the components to be monitored and their respective monitoring devices; therefore, an enable or disable signal would be transmitted to the faulty component by its monitoring device directly without affecting the operation of the other components or interrupting the operation of the entire system.

#### **Prior art**

5. The prior art made record and not relied upon is considered pertinent to applicant's disclosure:

**Morley ['064]** discloses Parallel Process Controller.

**Zelinski et al. ['621]** disclose Data Processor System Diagnostic Arrangement.

**Matsuda et al. ['419]** disclose Fail-Safe system and method of operation.

**Katzman et al. ['864]** disclose Power Interlock system and method for use with multiprocessor systems.

**Bruckert et al. ['494]** disclose Method of handling errors in software.

**Soulsby et al. ['259]** disclose Programmable controller having a system for monitoring the logic conditions at external locations

#### **Contact information**

6. Any inquiry concerning this communication from examiner should be directed to Mohamed Charioui whose telephone number is 703 605-4362. The examiner can normally be reached Monday to Friday 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached at 703 308-1677. The fax phone number for the organization where this application is assigned is 703 305-3431.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose number is 703 308-0956.

Mohamed Charioui

4/17/03

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800